

ORDINANCE NO. 907

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE
MADERA AMENDING SECTIONS 15.04.020 AND 15.04.060 OF CHAPTER
15.04 OF THE MUNICIPAL CODE TO CLARIFY APPLICATION OF THE 2006
EDITION OF THE *INTERNATIONAL WILDLAND-URBAN INTERFACE CODE*,
AS ADOPTED BY THE TOWN OF CORTE MADERA.**

The Town Council of the Town of Corte Madera does ordain as follows:

SECTION 1. Section 15.04.020 of Chapter No. 15.04 of the Town of Corte Madera Municipal Code is amended to read as follows:

15.04.020 Amendments made to Chapter 1 of the 2006 International Wildland-Urban Interface Code.

The 2006 International Wildland-Urban Interface Code is hereby amended and changed in the following respects:

- Section 101.5 of Chapter 1 is hereby deleted and the following language substituted in its place:

101.5 Additions or alterations. Additions or exterior alterations may be made to any building or structure without requiring the unaltered portion of the building or structure to comply with all of the requirements of this code provided that the additions or exterior alterations do not constitute a substantial remodel and provided that the addition or exterior alteration conforms to that which is required for a new building or structure by this code.

Exception: Provisions of this code that specifically apply to existing conditions, buildings or structures shall be applied to any and all existing conditions, buildings, or structures regulated by this code. See Sections 402.3, 601.1 and Appendix A.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition is created when an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or

access; will create a fire hazard; will reduce required fire resistance; or will otherwise create conditions dangerous to human life.

As used in this chapter, the terms “addition” and “alteration” do not include any “repair” as defined in the most recent edition of the California Building Code in effect when the work is performed.

•Section 101.6 of Chapter 1 is hereby deleted and the following language substituted in its place:

101.6 Maintenance. All buildings, structures, access, water supply, landscape materials, vegetation, defensible space or other devices or safeguards regulated by this code shall be maintained in conformance with the regulations of the edition of this code adopted by the Town under which the same were installed or improved in any manner requiring a permit to be obtained under this code. The real property owner or the real property owner’s designated agent shall be responsible for the maintenance of buildings, structures, access roads, water supplies, landscape materials and vegetation existing on the owner’s property in conformity with the regulations of the edition of this code adopted by the Town under which the same were installed or improved in any manner requiring a permit to be obtained under this code.

•Section 102.2 of Chapter 1 is hereby deleted and the following language substituted in its place:

Section 102.2 Interpretation of Rules, Regulations and Standards. The Chief is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations and to develop Fire Protection Standards to carry out the application and intent of its provisions. Such interpretations, rules, and regulations, and Standards shall be in conformance with the intent and purpose of this code. A copy of such rules and regulations shall be filed with the clerk of the Town of Corte Madera and shall be in effect immediately thereafter. Additional copies shall be available for distribution to the public.

•Section 103.3 of Chapter 1 is hereby deleted and the following language substituted in its place:

103.3 Alternative materials or methods. The code official is authorized to approve alternative materials or methods, provided that the code official finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the alternative material or method is, for the purpose intended, at least equivalent to the level of quality, strength, effectiveness, fire resistance, durability and safety prescribed by this code. Approvals under the authority herein contained shall be subject to the

approval of the building official whenever the alternate material or method involves matters regulated by the *California Building Code*.

The code official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

•Section 105.2 of Chapter 1 is hereby deleted and the following language substituted in its place:

105.2 Permits required. Unless otherwise exempted, no building or structure located within a designated Wildland-Urban Interface Area shall be erected, constructed, altered, repaired, moved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the code official. For buildings or structures erected for temporary uses, see Appendix A, Section A108.3, of this code.

When required by the code official, in addition to all other applicable permits required by the Municipal Code a permit shall be obtained for the following activities, operations, practices or functions within a Wildland-Urban Interface Area:

1. Implementation of a Fire Protection Plan
2. Implementation of a Vegetation Management Plan

•Section 105.8 of Chapter 1 is hereby deleted and the following language substituted in its place:

105.8 Expiration. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the building construction, activity or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building construction, activity or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work has been commenced.

When a permittee holding an unexpired permit is unable to commence work within the time specified in this section, the permittee may make a written request for an extension of time, which said written request shall set forth the reasons and circumstances beyond the permittee's control that have prevented the permittee from commencing work under the terms of the permit. If good

cause is shown by the written application, the code official may grant the requested extension for a period not to exceed 180-days from the date of the expiration of the original permit.

- Section 106.1 of Chapter 1 is hereby deleted and the following language substituted in its place:

106.1 General. Plans, engineering calculations, diagrams and other data in compliance with the provisions of this code shall be submitted in at least three (3) sets with each application for a permit. When such plans are not prepared by an architect or engineer, the code official may require the applicant submitting such plans or other data demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The code official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law.

Exception: Submission of plans, calculations, construction inspection requirements and other data, if the code official finds that the nature of the work applied for is such that reviewing of plans by an architect or engineer licensed by the state to practice is not necessary to obtain compliance with this code.

- Section 106.3 of Chapter 1 is hereby deleted and the following language substituted in its place:

106.3 Site plan. In addition to the requirements for plans in the *California Building Code*, site plans shall include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition-resistant construction of buildings, structures and their appendages, roof classification of buildings, and site water supply systems.

- Section 106.6 of Chapter 1 is hereby deleted and the following language substituted in its place:

106.6 Other data and substantiation. When required by the code official, the plans and specifications shall include classification of fuel loading, according to the *NWCG Aids to Determining Fuel Models for Estimating Fire Behavior*, current edition.

- Section 106.7 of Chapter 1 is hereby deleted and the following language substituted in its place:

106.7 Vicinity plan. In addition to the requirements for site plans, plans shall include details regarding the vicinity as required by the code official, including other structures, slope, vegetation, fuel breaks, water supply systems and access roads.

•Section 106.8 of Chapter 1 is hereby deleted and the following language substituted in its place:

106.8 Retention of plans.

All approved plans shall be maintained by the code official for the life of the structure.

•Section 107.1.1 of Chapter 1 is hereby deleted and the following language substituted in its place:

107.1.1 General. All construction or work for which a permit is required by this code shall be subject to inspection by the code official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the code official.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the Town of Corte Madera shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval as a result of a plan review or an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the Town of Corte Madera.

A survey of the lot may be required by the code official to verify that the features required by this code are provided and the building or structure is located in accordance with the approved plans.

•Section 108 of Chapter 1 is hereby deleted and the following language substituted in its place:

SECTION 108. FINAL APPROVAL FOR OCCUPANCY

No building, structure or premises shall be used or occupied, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made, until the code official has issued a “Final Approval” for occupancy thereof.

Issuance of a “Final Approval” for occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the Town of Corte Madera. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the Town of Corte Madera shall not be valid.

SECTION 2. Section 15.04.060 of Chapter No. 15.04 of the Town of Corte Madera Municipal Code is amended to read as follows:

15.04.060 Amendments Made to Chapter 5 of the 2006 International Wildland-Urban Interface Code.

• Chapter 5 is hereby deleted in its entirety and the following chapter substituted in its place:

Chapter 5. MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR WILDFIRE EXPOSURE

SECTION 501 SCOPE, PURPOSE AND APPLICATION

501.1 - Purpose. The purpose of this Chapter is to establish minimum standards for the protection of life and property by increasing the ability of a building located in any Wildland-Urban Interface Fire Area to resist the intrusion of flame or burning embers projected by a vegetation fire and to contribute to a systematic reduction in conflagration losses.

501.2 - Scope. This chapter provides those building materials, systems, and/or assemblies that may be used in the exterior design and construction of new or relocated buildings or buildings meeting the definition of substantial remodel – exterior within a Wildland-Urban Interface Fire Area as defined in Section 202.

Exceptions:

1. Accessory structures not exceeding 120 square feet in floor area when located at least 50 feet from buildings containing habitable spaces.

501.3. Application.

The building standards of Chapter 7A of the California Building Code will apply to construction in a designated wildland-urban interface fire area of a new building or structure, or a building or structure where all additions and or alterations considered cumulatively over a continuous 24 month period would meet the definition of a substantial remodel – exterior, and all building permit applications for work within the 24-month period were submitted on or after the effective date of Ordinance Number 905 (April 18, 2008).

Exception: The building standards of Chapter 7A shall not apply to projects for which a development application has been deemed “complete” prior to the effective date of Ordinance Number 905 (April 18, 2008).

Exceptions to these provisions may be granted by the Chief when alternate means of protection are provided as approved by the Chief.

SECTION 3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional on their face or as applied.

SECTION 4. EFFECTIVE DATE.

This ordinance shall become effective 30 days after the date of adoption.

SECTION 5. POSTING.

The Town Clerk shall cause this ordinance to be published within fifteen days after its adoption.

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This ordinance was introduced on June 17, 2008 and adopted by the Town Council on July 1, 2008 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Michael Lappert, Mayor

ATTEST:

Christine Green, Town Clerk